

375-3-1-.02 Documentation Required for Initial Issuance. Revised.

1. All persons applying for initial issuance of any driver's license, permit or identification card issued by the Department shall state in writing whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency and shall state the date and place of issuance with the license number, if known. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
2. All persons applying for initial issuance of any driver's license, permit or identification card issued by the State of Georgia shall state in writing whether he or she has taken any previous driver's license examination in any jurisdiction. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
3. Any person applying for initial issuance of any driver's license, permit or identification card issued by the State of Georgia shall state in writing if any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial, the circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
4. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall state in writing whether he or she has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
5. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish one of the following as proof of his or her identity:
 - a. Original birth certificate;
 - b. Certificate of birth registration;
 - c. Certified copy of birth certificate;
 - d. Certified copy of court records (adoption, name, or sex change);
 - e. Certified naturalization documentation;
 - f. Immigration ID Card;
 - g. Valid passport;
 - h. Military identification card issued by the United States armed forces.

6. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall provide documentation proving either United States citizenship or legal authorization from the Immigration and Customs Enforcement bureau of the United States Department of Homeland Security.
 - a. In order to prove United States citizenship, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:
 - i. Original birth certificate issued by a United States jurisdiction;
 - ii. Certified copy of birth certificate issued by a United States jurisdiction;
 - iii. Valid United States passport;
 - iv. Original certificate of citizenship (Form N560);
 - v. Certified copy of certificate of citizenship (Form N560);
 - vi. Original certificate of naturalization (Form N550);
 - vii. Certified copy of certificate of naturalization (Form N550).
 - b. In order to prove legal authorization from the Immigration and Customs Enforcement bureau of the United States Department of Homeland Security, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:
 - i. Foreign passport with appropriate immigration documents;
 - ii. Resident Alien Card (Form I-551);
 - iii. Temporary Resident Alien Card (Form I-668);
7. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish proof that the applicant currently resides in Georgia and provide a valid Georgia residence address. The following items are acceptable proof if they contain a valid Georgia residence address:
 - a. Utility bill issued within the last sixty (60) days;
 - b. Bank statement issued within the last sixty (60) days;
 - c. Currently valid rental contracts and/or receipts for payments made within the last sixty (60) days for rent payments;
 - d. Employer verification, including, but not limited to, one of the following:
 - i. Paycheck or paycheck stub;
 - ii. Letter from employer; or
 - iii. W-2 for current or preceding calendar year;
 - e. Non-expired Georgia driver's license, permit or identification card issued to parent, guardian or spouse;
 - f. Health insurance statement;

- g. State of Georgia or Federal income tax return for current or preceding calendar year;
- h. Annual social security statement for current or preceding calendar year;
- i. Medicare or Medicaid statement;
- j. School record or transcript for current or preceding calendar year;
- k. Homeowners insurance policy or bill for current or preceding calendar year; or
- l. Mortgage, payment coupon, deed, or property tax bill for current or preceding calendar year.

This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.

- 8. Reserved.
- 9. Reserved.
- 10. In accordance with O.C.G.A. §40-5-28, all driver's licenses shall bear a color photograph of the licensee. Specifically, all applicants are to be photographed, with no part of the applicant's face covered. ~~All applicants shall submit fingerprints by means of the Department's inkless fingerprint scanning device.~~
- 11. In addition to the items listed in this regulation, any two of the following documents will be acceptable proof of identity for a replacement Georgia driver's license, permit or identification card:
 - a. Marriage License;
 - b. Social Security Card;
 - c. Previous Year Income Tax Return;
 - d. Current Insurance Policy;
 - e. Current Automobile Registration Receipt;
 - f. Voter Registration Card.
- 12. ~~In lieu of any other requirement imposed by the regulations of the Department of Driver Services, the applicant's fingerprints will be acceptable proof of identity for a replacement Georgia driver's license, permit or identification card under the following conditions:~~
 - a. ~~The applicant has previously been issued a Georgia driver's license or identification card;~~

- ~~b. As a part of the process for obtaining a previously issued Georgia driver's license, permit or identification card, the applicant furnished fingerprints by means of an inkless fingerprint scanning device;~~
 - ~~c. The applicant furnishes his or her fingerprints to the Department by means of an inkless fingerprint scanning device at the time of application for a replacement driver's license or identification card; and~~
 - ~~d. The fingerprints furnished at the time of application for a replacement driver's license or identification card match the fingerprints submitted at the time of issuance of the prior driver's license, permit or identification card.~~
- 13. Applicants for initial issuance of a Georgia driver's license, permit or identification card who have been designated as refugees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful presence in the United States, and residency by providing the following:
 - a. If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:
 - i. Original I-94 indicating refugee status;
 - ii. Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and
 - iii. Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy subparagraph (ii), *supra*, and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.
 - b. If the applicant is a refugee age eighteen (18) or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:
 - i. Original I-94 indicating refugee status;
 - ii. Driver's license or identification card issued by previous state of residence; and
 - iii. Proof of residency as set forth in paragraph 7, *supra*.
 - c. If the applicant is a refugee under age eighteen (18) who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:
 - i. Original I-94 indicating refugee status; and
 - ii. Proof of residency as set forth in paragraph 7, *supra*.

Authority: O.C.G.A. §§40-5-4, 40-5-101.

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 - c. Currently valid rental contracts and/or receipts for payments made within the last sixty (60) days for rent payments;
 - d. Employer verification, including, but not limited to, one of the following:
 - i. Paycheck or paycheck stub;
 - ii. Letter from employer; or
 - iii. W-2 for current or preceding calendar year;
 - e. Non-expired Georgia driver's license, permit or identification card issued to parent, guardian or spouse;
 - m. Health insurance statement;

- n. State of Georgia or Federal income tax return for current or preceding calendar year;
- o. Annual social security statement for current or preceding calendar year;
- p. Medicare or Medicaid statement;
- q. School record or transcript for current or preceding calendar year;
- r. Homeowners insurance policy or bill for current or preceding calendar year; or
- s. Mortgage, payment coupon, deed, or property tax bill for current or preceding calendar year.

This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.

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- a. If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:
 - iv. Original I-94 indicating refugee status;
 - v. Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and
 - vi. Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy subparagraph (ii), *supra*, and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.
- b. If the applicant is a refugee age eighteen (18) or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:
 - iv. Original I-94 indicating refugee status;
 - v. Driver's license or identification card issued by previous state of residence; and
 - vi. Proof of residency as set forth in paragraph 7, *supra*.
- c. If the applicant is a refugee under age eighteen (18) who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:
 - ii. Original I-94 indicating refugee status; and
 - ii. Proof of residency as set forth in paragraph 7, *supra*.

Authority: O.C.G.A. §§40-5-4, 40-5-101.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation to reflect the enactment of House Bill 577 during the 2005 Session of the Georgia General Assembly which prohibits the Department of Driver Services from collecting or maintaining fingerprint records on licensees or the holders of identification cards.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The last sentence of Paragraph 10 and all of Paragraph 12 have been deleted. Paragraph 12 is reserved.

1. Words, whenever used in this Chapter, shall have the same meaning as ascribed to them in Chapter 5 of Title 40 of the Official Code of Georgia Annotated unless otherwise defined in the rule of which they are part.
2. The following words and phrases, whenever used in this Chapter, shall have the meaning as in this section ascribed to them unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.
 - A. Bulk Requestor: Any user of the Department's electronic motor vehicle record functionality to obtain driving records on behalf of Bulk Users and other customers, but may not use or retain the records for any purpose except to comply with the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.*
 - B. Bulk User: Any user of the Department's electronic motor vehicle record functionality so designated by the Department. A bulk user may obtain motor vehicle reports directly and is not required to use the services of a bulk requestor.
 - C. The terms "abstract", "motor vehicle reports", "record", "driving record information" and "MVR's" as used by the Department all have the same meaning as "abstracts of the driver's operating record" as used in O.C.G.A. §40-5-2.
3. Driving record information maintained by the Department pursuant to O.C.G.A. §40-5-2 and personal information contained therein shall not be released to anyone except upon the written permission of the licensee who is the subject of the record or as otherwise permitted by the aforementioned statute, applicable federal law including, but not limited to the Driver's Privacy Protection Act of 1994, 18 U.S.C. §2721, *et seq.*, or as otherwise provided by law. Notwithstanding the foregoing, the Department may confirm or verify the status of a driver's license or permit to anyone without the written consent of the driver.
4. Unless submitted electronically or in person, requests for Driver's Records must be accompanied by the specified fee, addressed to the Department of ~~Motor Vehicle Safety~~ Driver Services, Driver's Services Section, Motor Vehicle Records Unit, P.O. Box 804477, Conyers, Georgia 30013.
5. The written authorization required herein or otherwise by law must ~~be notarized and~~ include the following information about the driver: first name, last name, date of birth, and driver's license number. The Department shall not release any driving record information unless all of the aforementioned information matches the licensee's driving record exactly. Said authorization also must specify the person or persons to whom the record or information contained therein may be given, including, but not limited to any third party that is authorized to obtain said information on behalf of the person or entity to whom said consent is given. The use or purpose for which the information is sought

must be designated along with the length of time for which the abstract is sought. The burden of proving authorization rests solely upon the person requesting the record.

6. The authority granted by a licensee for the release of a record shall include a period not to exceed sixty (60) days, unless the authorization granted by the licensee allows for a longer period or upon renewal of the authorization by the licensee.
7. Upon obtaining a Driver's Record from the Department, no person shall transfer the record, a copy or the contents thereof, nor use the record or the contents thereof for any purpose not specified in the authorization or permitted by these rules or by law.
8. The fee for a copy of a Driving Record is as follows:
 - A. \$5.00 for a three (3) year record;
 - B. \$7.00 for a seven (7) year record; and
 - C. \$1.40 for limited rating information.
9. If the Department is unable to match the information submitted electronically by a Bulk User or a Bulk Requestor, the party requesting the record will be charged a \$3.00 processing fee, unless only limited rating information was requested, in which case the processing fee charged will be \$1.40.
9. ~~Payment must be in cash, certified check or money order unless other arrangements have been agreed approved by the Department prior to the request. Personal checks will not be accepted.~~ Reserved.
10. Information for multiple licensees from whom the person making the request has received written authorization or need not obtain written authorization pursuant to Paragraph (3), *supra*, may be supplied and/or received in bulk.
 - A. Bulk Users and Bulk Requestors may obtain electronic access to driving record information by entering into agreements with the Department and the Georgia Technology Authority. The Commissioner's signature on such an agreement between the Department and a Bulk Requestor or a Bulk User shall serve as designation as such.
 - B. In lieu of providing the Department with written authorization from the licensee or otherwise demonstrating their exemption from the requirement of obtaining such authorization, Bulk Users and Bulk Requestors shall retain such records as necessary to establish the authorization for release of each licensee's driving record information and make said records available for the examination of the Department upon reasonable notice. The burden of proving the existence of such authorization or a statutory exemption therefrom shall always be upon the Bulk User and/or Bulk Requestor.

- C. Prior to obtaining driving record information on behalf of a Bulk User or other customer, each Bulk Requestor must execute a written agreement with said Bulk User that requires said Bulk User or other customer to comply with the requirements imposed upon Bulk Requestor in its agreements with the Georgia Technology Authority and the Department, this Rule and all applicable laws when obtaining and using driving record information, including, but not limited to, an express provision prohibiting further dissemination of the driving record information obtained pursuant to said agreement.
 - D. All applicants for designation as a Bulk Requestor and any applicant for designation as a Bulk User that requests driving record information as part of providing a background investigation for another person or company may be considered a private detective business that must be licensed by the Secretary of State through the Georgia Board of Private Detective and Security Agencies and must produce a valid private detective agency license or verifiable documentation that it is not subject to the requirements of the “Georgia Private Detective and Security Agencies Act.” O.C.G.A. §43-38-1, *et seq.*
 - E. Notwithstanding the language in Paragraph 5, *infra*, the Department shall release driving record information if the electronic submission exactly matches the licensee’s driver’s license number and any two (2) of the remaining three (3) search criteria as they are found in the licensee’s driving record.
- 11. In the event that an adverse decision is based upon driving record information obtained from the Department, the party obtaining said information shall inform the named licensee of all information pertinent to the decision upon request, including, but not limited to specific information contained within the driving record and otherwise comply with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.*
 - 12. Improper, false, fraudulent, or invalid conviction information may be removed from the driving record of a licensee upon receipt of satisfactory proof from the court from which said conviction was submitted or as otherwise approved by the Commissioner. The Commissioner’s determination in this regard shall be deemed final.

Authority: O.C.G.A. §40-5-2

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation in light of changes in the governing statutes, specifically the changes made by H.B. 501, enacted at the 2005 session of the General Assembly, which created the Department of Driver Services and transferred the responsibility for administration of the law relating to driver’s licenses and driving record information to that agency. Additionally, references to the requirement for notarization of a licensee’s signature on consent for release of driving record information was deleted pursuant to H.B. 513, enacted at the 2006 session of the General Assembly.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

All references to the Department of Motor Vehicle Safety are removed to reflect the transfer of responsibility for administering driver's licenses and the release of driving record information to the Department of Driver Services.

The notarization requirement in Paragraph 5 is deleted, and Paragraph 9 is deleted and reserved.